

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**CITGO PETROLEUM CORPORATION,  
CITGO REFINING AND CHEMICALS  
COMPANY, and PDV MIDWEST  
REFINING, LLC,**

PLAINTIFF,

V. §

**CIVIL ACTION NO. \_\_\_\_\_**

**WESTCHESTER FIRE INS. CO. AS  
SUCCESSOR IN INTEREST TO  
INTERNATIONAL INS. CO. and  
U.S. FIRE INS. CO. BY NOVATION,**

Removed from the 125<sup>th</sup>  
Judicial District Court of  
Harris County, Texas

## **DEFENDANT.**

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Westchester Fire Insurance Co., as Successor in Interest to International Insurance Company and U.S. Fire Insurance Company by Novation (“Westchester”) hereby gives notice of the removal of this action to federal court pursuant to 28 U.S.C. § 1441. In support of this notice, Defendants show as follows:

1. This Court has original jurisdiction over this case under 28 U.S.C. § 1332 because the matter in controversy exceeds \$75,000 exclusive of interest and costs, the real parties in interest are citizens of different states, and no defendant is a citizen of the State of Texas. Although Plaintiffs purport to assert claims against U.S. Fire Insurance Company and International Insurance Company under certain policies of insurance originally issued by those companies, all such policies at issue in this case were novated to Westchester in 1993. See Exhibit A attached to this Notice of Removal. Westchester is therefore the real party in interest as defendant on all claims asserted by Plaintiffs, although Westchester denies any liability to

Plaintiffs. Westchester is incorporated in and has its principal place of business in New York. Therefore, there is complete diversity of citizenship between the real parties in interest.

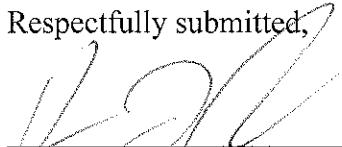
2. Removal is proper under 28 U.S.C. § 1441(a) because this is a civil action brought in a state court of which the district courts of the United States have original jurisdiction.

3. This action is removed from the 215<sup>th</sup> Judicial District Court of Harris County, Texas, where it was pending as Case No. 2009-56585.

4. This notice of removal is being filed less than thirty days from the time of service of any Defendant in this action, so this notice of removal is timely under 28 U.S.C. § 1446(b).

5. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being given to all adverse parties and a copy is being filed with the Clerk of the Harris County District Courts.

Respectfully submitted,



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**ATTORNEY FOR DEFENDANT  
WESTCHESTER FIRE INSURANCE  
COMPANY AS SUCCESSOR TO  
INTERNATIONAL INSURANCE CO. AND  
U.S. FIRE INSURANCE CO. BY NOVATION**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2009, a true and correct copy of this document was served on J. Mark Lawless, counsel for Plaintiffs, by telecopy and by certified mail, return receipt requested.



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Kevin F. Risley